

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PLAYUP, INC.,

Plaintiff(s),

v.

DR. LAILA MINTAS,

Defendant(s).

Case No. 2:21-cv-02129-GMN-NJK

Order

[Docket No. 407]

Pending before the Court is the motion of Defendant and Counter-Plaintiff Laila Mintas for leave to depose an incarcerated non-party witness. Docket No. 407. The motion is not opposed by the other parties to the case. *See id.* at 2.

“A party must obtain leave of court, and the court must grant leave to the extent consistent with Rule 26(b)(1) and (2) . . . if the deponent is confined in prison.” Fed. R. Civ. P. 30(a)(2), (B).

In this case, Mintas seeks to depose Sam Bankman-Fried, who is detained in federal custody in New York. Mintas has explained the relevance of Bankman-Fried’s testimony to the issues in this case, as well as the proportional nature of the discovery being sought. *See* Docket No. 407 at 2-6. Moreover, the record does not demonstrate that the concerns identified in Rule 26(b)(2) warrant denial of leave to depose Bankman-Fried.

Accordingly, Mintas’ motion is **GRANTED**. Mintas is permitted to subpoena Bankman-Fried for his deposition, notwithstanding the fact that he is in federal custody. Mintas must confer with the federal detention officials regarding the procedures for the deposition. *Cf. Griffin v. Johnson*, 2016 WL 4764670, at *1 (E.D. Cal. Sept. 12, 2016).

IT IS SO ORDERED.

Dated: November 14, 2023



Nancy J. Koppe
United States Magistrate Judge